

## **REMARKS**

In response to the Final Office Action dated October 7, 2009, Applicant has amended claims 8, 16 and 17. Claims 8-12 and 15-19 are pending.

In paragraph 4 on page 2 of the Office Action, claims 8-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Day in view of Chowdhury, DeMoney Katinsky, Duso and Ullman.

Applicant respectfully traverses the rejection.

Independent claim 8 sets forth a session manager, for interacting with said subscriber equipment and maintaining a plurality of play lists created by the subscriber, wherein each playlist is associated with a respective subscriber, said playlist defining a plurality of content streams to be provided to said subscriber equipment and identifying a location of content streams defined in the playlist and auxiliary streams associated therewith, said playlist further identifying reverse and fast-forward streams associated with each one of said plurality of content streams, each content stream comprising a plurality of splicing entry and exit points dispersed therein to enable transitioning between said plurality of content streams, wherein said splicing entry and exit points are identified within transport packet headers of each one of said plurality of content streams, a server, for storing content streams configured to facilitate inter-asset transition to provide seamless splicing and a server controller for retrieving from said server, content streams defined by said playlist, said content streams being sequentially provided to said subscriber equipment, said server controller, in response to determining that a remaining portion of a current content stream provided to said subscriber equipment is

below a threshold, communicating a termination notification to said session manager, said session manager, in response to receiving said termination notification, communicating a request to said server controller identifying from said playlist a next content stream to be provided to said subscriber equipment from the server, said session manager further maintaining said playlist after content streams defined by said playlist have been provided to said subscriber equipment and modifying said playlist in response to playlist modification commands received from said subscriber equipment in response to input from the subscriber, wherein a next content stream in said playlist is spliced at an entry point associated with an exit point of a current content stream being provided to said subscriber equipment. Independent claim 16 sets forth similar elements.

Day fails to disclose, teach or suggest a session manager, for interacting with said subscriber equipment and maintaining a plurality of play lists created by the subscriber, wherein each playlist is associated with a respective subscriber, said playlist defining a plurality of content streams to be provided to said subscriber equipment and identifying a location of content streams defined in the playlist and auxiliary streams associated therewith,

Rather, Day merely discloses a user may perform a search for video files at a server, wherein a search result is provided to the client. The client selects video files from the search result. The selection is sent to the presentation formatter server. The presentation formatter server sends the selection to the controller, wherein the controller creates a HTML metadata file. The controller determines whether the assets identified in the selection by the client have the same characteristics. If not, the assets

are processed so that the assets identified in the selection have the same characteristics.

Then, the controller builds a playlist.

Thus, Day fails to disclose, teach or suggest maintaining a plurality of play lists created by the subscriber. In addition, the playlist of Day does not identify a location of content streams defined in the playlist and auxiliary streams associated therewith.

Day further fails to disclose, teach or suggest a server for storing content streams configured to facilitate inter-asset transition to provide seamless splicing. Rather, Day explicitly stores streams that do not have the same characteristics, and are therefore incompatible for seamless splicing.

Day further fails to disclose, teach or suggest a server controller determining that a remaining portion of a current content stream provided to said subscriber equipment is below a threshold and, in response thereto, communicating a termination notification to said session manager.

Day also fails to disclose, teach or suggest maintaining said playlist after content streams defined by said playlist have been provided to said subscriber equipment. Day seems to suggest that the playlist is discarded after the assets have been provided to the client.

Day also fails to disclose, teach or suggest modifying said playlist in response to playlist modification commands received from said subscriber equipment in response to input from the subscriber. Day does not consider the client making modifications to the playlist.

Thus, Day fails to disclose, teach or suggest the invention as defined in independent claims 8 and 16.

Chowdhury fails to overcome the deficiencies of Day. Chowdhury is merely cited as disclosing communicating a completion notification. However, Chowdhury fails to suggest a server controller determining that a remaining portion of a current content stream provided to said subscriber equipment is below a threshold and, in response thereto, communicating a termination notification to said session manager. Rather, Chowdhury discloses a command may be issued to queue subsequent files. However, Chowdhury fails to mention a threshold being used to make a determination of when to send a termination command. Moreover, Chowdhury fails to mention a termination request, whereas a queue command is not a termination request. Still further, Chowdhury discloses that a file exporter waits for notification of completion of the transfer of the current file by the minimal copy transfer software. Thus, Chowdhury explicitly teaches to wait for completion of the transfer of the current file and says nothing about sending a signal to initiate identification of the next file to transfer.

Chowdhury also fails to suggest said session manager, in response to receiving said termination notification, communicating a request to said server controller identifying from said playlist a next content stream to be provided to said subscriber equipment from the server. As indicated above, Chowdhury does not mention a termination request being sent.

Chowdhury also fails to disclose, teach or suggest maintaining said playlist at a session manager after content streams defined by said playlist have been provided to said subscriber equipment or modifying said playlist in response to playlist

modification commands received from said subscriber equipment in response to input from the subscriber.

Thus, Day and Chowdhury, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 8 and 16.

Duso fails to overcome the deficiencies of Day and Chowdhury. Duso is merely cited as disclosing the step of identifying the next segment when prefetching the track from playlist. However, Duso fails to disclose, teach or suggest a session manager for maintaining a plurality of play lists created by the subscriber, said playlist defining a plurality of content streams and identifying a location of content streams defined in the playlist.

Duso fails to disclose, teach or suggest a playlist that defines auxiliary streams associated the content streams identified in the playlist.

Duso further fails to disclose, teach or suggest a server for storing content streams configured to facilitate inter-asset transition to provide seamless splicing.

Duso further fails to disclose, teach or suggest a server controller determining that a remaining portion of a current content stream provided to said subscriber equipment is below a threshold and, in response thereto, communicating a termination notification to said session manager.

Duso also fails to disclose, teach or suggest maintaining said playlist after content streams defined by said playlist have been provided to said subscriber equipment.

Duso also fails to disclose, teach or suggest modifying said playlist in response to playlist modification commands received from said subscriber equipment in response to input from the subscriber. Duso does not consider the client making modifications to the playlist.

Thus, Day, Chowdhury and Duso, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 8 and 16.

DeMoney, Katinsky and Ullman fail to overcome the deficiencies of Day, Chowdhury and Duso. DeMoney is merely cited as disclosing implementing VCR style functions. However, Demoney fails to suggest the elements discussed above with regard to Day, Chowdhury and Duso.

Katinsky is merely cited as disclosing using a media player interface to modify a playlist by adding or deleting content streams.

However, Applicant respectfully submits that Katinsky fails to suggest modifying a playlist. Rather, Katinsky teaches that a user can define and assemble multiple sequences of media objects particularly streaming content. The user can add and remove media objects from a sequence, can deselect media objects to prevent them from playing without removing them from a sequence, and can switch between different user defined sequences. Thus, Katinsky does not disclose, teach or suggest modifying a playlist.

Ullman is merely cited as disclosing saving playlists at a server for subsequent access by users. Ullman, however, does not suggest saving playlists created by a subscriber. Instead, Ullman merely discloses that an instructor may create a playlist a listing of Web pages, text notes and questions that a student may later access.

Thus, Day, Chowdhury, Duso, DeMoney, Katinsky and Ullman, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 8 and 16.

Dependent claims 9-12, 15 and 17-19 are also patentable over the references, because they incorporate all of the limitations of the corresponding independent claims 8 and 16, respectively. Further dependent claims 9-12, 15 and 17-19 recite additional novel elements and limitations. Applicant reserves the right to argue independently the patentability of these additional novel aspects. Therefore, Applicant respectfully submits that dependent claims 9-12, 15 and 17-19 are patentable over the cited references.

On the basis of the above amendments and remarks, it is respectfully submitted that the claims are in immediate condition for allowance. Accordingly, reconsideration of this application and its allowance are requested.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Attorney for Applicant, David W. Lynch, at 865-380-5976. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 13-2725 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

Merchant & Gould  
P.O Box 2903  
Minneapolis, MN 55402-2903  
865-380-5976

By:



23552

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Name: David W. Lynch  
Reg. No.: 36,204